

33

Entered - 12-13-99 - sb
CL 99L0844 - GWENDOLYN BURNS
00- R-0155

CLAIM OF: **SAFEWAY INSURANCE COMPANY OF GEORGIA**
as subrogee of **George McDonald**
1145 Sanctuary Parkway, Suite 350
Alpharetta, Georgia 30004

For damages alleged to have been sustained as a result of a vehicular accident on August 21, 1999 at Peyton Road & Harrington Road, SW.

BY: **PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **SAFEWAY INSURANCE COMPANY OF GEORGIA as subrogee of George McDonald** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on August 21, 1999 at Peyton Road & Harrington Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: **SUSAN PEASE LANGFORD**
CITY ATTORNEY

BY: *Approved by Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
~~FEB 21 2000~~ ATTORNEY

COUNCIL

FAVORABLE REPORT
COM. *Public Safety*

DATE *2/15/2000*

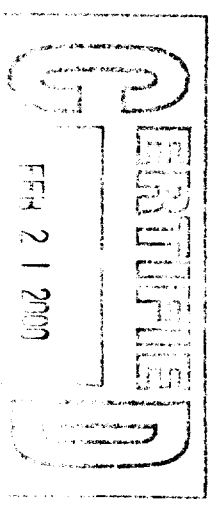
Steve Anderson
James Dorey

Donna Hall
Jeff Ford

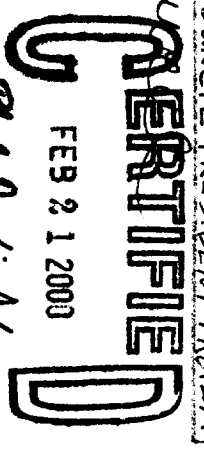
ADOPTED BY

FEB 21 2000

COUNCIL



John M. Starnes
COUNCIL PRESIDENT PROTEM



Rosalind Rubens Newell
MUNICIPAL CLERK

APPROVED

MAR - 1 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-0155

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Safeway Insurance Company of Georgia** as subrogee of **George McDonald** the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicular accident on August 21, 1999 at Peyton Road & Harrington Rd., SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

February 21, 2000

March 01, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0844

Date: February 3, 2000

Claimant /Victim GEORGE MCDONALD
BY: (Atty) (Ins. Co.) SAFESWAY INSURANCE COMPANY OF GEORGIA
Address: 1145 Sanctuary Parkway, Suite 350, Alpharetta, Georgia 30004
Subrogation: X Claim for Property damage \$ 2,112.95 Bodily Injury \$ _____
Date of Notice: 12/7/99 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/21/99 Place: Peyton Road & Harrington Road, SW
Department PUBLIC WORKS Bureau: Waste Water Services Division Sewer Division
Employee involved Darren Heggs Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck by a City vehicle that made an improper lane change across the center median into claimant's lane of travel.


INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

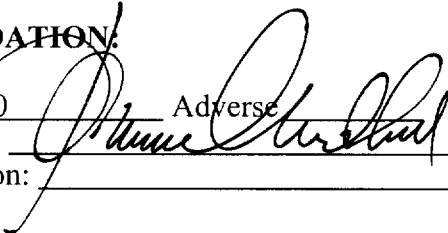
Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 1,000.00 Adverse  Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager: _____ Concur/date 02-04-00
Committee Action: _____ Council Action _____

SAFETYWAY INSURANCE COMPANY
OF GEORGIA

1145 SANCTUARY PARKWAY, SUITE 350 • ALPHARETTA, GEORGIA 30004
(678) 319-4425

SAFE IN EVERY WAY



Date: 10/28/99

ENTERED - 12-13-99 - SB
99L0844 - GWEN BURNS

DEPT. OF PUBLIC WORKS
360 INGLEWOOD AVENUE
ATLANTA, GA 30318

BURNS
12/07/99
[Signature]

RE: Our Claim No. : 72262
Our Insured : GEORGE MCDONALD
Your Insured : DARREN HEGGS
Your Claim No. : UNKNOWN, SEE REPORT
Date of Loss : 8/21/99
Location : PETYON @ HARRINGTON

Dear SIR OR MADAM,

It has come to our attention that your insured was cited at fault and responsible for the above captioned loss. Therefore:

- ☒ Please accept this letter as notice of our subrogation rights.
- ☒ We are enclosing copies of our repair bills and proof in the amount of \$ **2112.95** please reimburse us for this amount.
- ☐ We are enclosing signed releases for you to make payment to us.
- ☐ Since we sent our subrogation papers, we have made payment for an add order, which we are enclosing. Please reimburse us for this additional amount of \$.
- ☐ Our numerous attempts to settle this claim have been without success. Therefore, we are taking legal action in ten days, unless we hear from you.

Remarks: Please note the police report and supporting documents are attached/following. This amount does include our insured deductible of \$500.00 .

Sincerely,
Wendye Burkett
Subrogation Department

C:/claimsga/subrotr

5470
66-91-11
A7483

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0844

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND DOLLARS AND NO/100s DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City, its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident which occurred on or about the 21st day of August, 1999, at or near Peyton Road, SW & Herrington Place, SW.

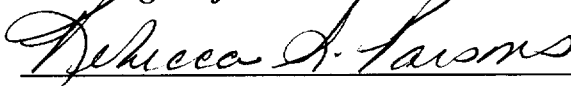
It is further understood and agreed that the payment of the above named sum is not to be considered as an admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents, servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers, agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this instrument.

WITNESS my hand and seal this 1 day of TEB, 192000.

 (LS)

SAFEWAY INSURANCE COMPANY
as subrogee of GEORGE McDONALD

 (LS)

The above release was read and explained to, and signed by the said _____ presence on the date above written.



WITNESSES
Notary Public, Chatham County, Georgia
My Commission Expires February 20, 2001

00- *R* -0155

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS:	15	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	1	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA
00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.